

planning appeals

On average one in every five planning applications are refused – sometimes with little reflection on whether the application followed lengthy discussions with the Local Planning Authority or was submitted without prior consultation. In all cases however, refusal of consent can be challenged at appeal.

The Government's advice is that the appeal system should not be used as a bargaining tactic but as a last resort, with appellants being ready to proceed with their appeal as soon as it is made. DLP Planning has a wealth of experience in assessing and advising clients on their likelihood of securing planning permission at appeal, and of maximising their chances of success. Whatever the reasons for refusal DLP Planning can breakdown the refusal notice into its constituent elements, assemble a robust case, and then collate, submit, and manage the appeal on your behalf.

Strategies

Different planning refusals demand differing appeal strategies, tailored to the circumstances of the refusal and the complexity of the scheme.

Whilst it is now the Planning Inspectorate that decides the format of your appeal, DLP Planning can guide you through the system and help ensure that your appeal is considered in the way most likely to enable the issues at stake to be fully and properly aired and which will maximise your chances of success.

There are three forms of appeal:

- **Written Representation appeals** are numerically the most common appeal format. The process is timely and cost-effective, and is ideal in cases where the grounds of appeal and issues raised can be clearly understood from the appeal documents followed by a site inspection. Your case must be robustly and effectively set out in an Appeal Statement, rebutting every reason for refusal and clearly setting out why the appeal should be allowed.
- **Informal Hearing appeals** are well-suited to cases where the issues need to be debated on the site itself or where the Inspector will need to test the evidence by questioning the parties but where matters of policy are not in dispute. Generally this route means that the decision will take a little longer to be determined and will be correspondingly a little more expensive.

- **Public Inquiry appeals** are reserved for those cases where the issues are complex, involving the application and interpretation of policy, and it is necessary for evidence to be given by expert witnesses and cross examined. Public inquiries may last one day or many weeks depending on the issues and the number of witnesses likely to be called.

Managing the Process

Whichever appeal route is followed, DLP Planning can manage and administer the entire appeal process on your behalf:

- Drafting the grounds of appeal
- Submitting the appeal forms
- Compiling a robust Appeal Statement
- Commissioning Statements from leading specialists where required
- Assessing and rebutting the Council's Appeal Statement
- Appearing at a Hearing or Public Inquiry
- Analysing the Inspector's decision when issued.

Advocacy

Where the Public Inquiry route is followed, your case will need to be represented by an advocate. In some instances one of our own senior staff experienced in advocacy may be able to represent you; in others we can arrange advocacy by a qualified Planning Solicitor or Counsel. In all cases we will recommend the best, and most cost effective options, taking into account the nature of the case and the experience needed to maximise the prospects of success.

We have Direct Access to the Planning Bar and regularly work with many leading Chambers of Barristers.

Costs

In cases where we can demonstrate that the Council acted unreasonably in refusing your application, we will also make best use of the legislation in attempting to recover your costs in taking the matter to appeal.

DLP Planning's extensive professional experience of the appeals system means that you can rely on our impartial expert advice and guidance to ensure that, when you do appeal against a refusal, your chances of securing permission are maximised.